

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3325

E PĀ ANA KI
CONCERNING

te Treaty of Waitangi Act 1975

Ā,
AND

te Climate Change Priority
Inquiry

HE PĀNUI WHAKAHAU A KAIWHAKAWĀ STEPHANIE MILROY

*MEMORANDUM-DIRECTIONS OF JUDGE STEPHANIE MILROY ISSUING THE FINAL
QUESTIONS IN WRITING FOR HE POU A RANGI CLIMATE CHANGE COMMISSION AND
THE PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT*

5 Mei 2026

Purpose

1. This memorandum-directions issues the final list of questions for He Pou a Rangi Climate Change Commission (Commission) and the Parliamentary Commissioner for the Environment (the Commissioner).

Background

2. On 30 March 2026, following several memoranda filed by counsel addressing whether the Commission should provide evidence and be cross-examined in this inquiry, the Tribunal received a memorandum from claimant coordinating counsel seeking that the Tribunal issue directions asking the Commission to provide evidence addressing the relevant aspects of its work, including (Wai 3325, #3.2.296 at [5]):
 - (a) the role and operation of Pou Herenga in supporting the Commission to fulfil its obligations under section 5M of the Climate Change Response Act 2002 (CCRA), including in relation to the Crown-Māori relationship, te ao Māori and impacts on iwi and Māori;
 - (b) the Commission's approach to consultation with Māori, whether through Pou Herenga or otherwise, in the preparation of its reports; and
 - (c) the roles and responsibilities of the Ohu Iwi/Māori business group at the Commission and its relationship with the Commission's statutory obligations to Māori pursuant to sections 5M and 5N of the CCRA.
3. In memorandum-directions dated 15 April 2026, I confirmed that the Tribunal considers it useful for the Commission and the Commissioner to provide evidence in writing, insofar as it would assist the Tribunal in determining whether legislation ensures Treaty compliance across the bodies responsible for administering, supporting or advocating for effective climate change policy and actions, and in maintaining the Crown-Māori relationship as provided for in the Treaty and the principles of the Treaty derived by the Tribunal and the courts (Wai 3325, #2.6.26 at [18]).
4. I accordingly invited parties to file any further proposed questions in writing by 23 April 2026. I advised that the Tribunal would issue the final list of questions for the Commission and Commissioner following receipt of such submissions (Wai 3325, #2.6.26 at [21] – [22]).

Proposed questions in writing

5. On 29 April 2026, counsel for the Climate Change (Ngāruahine) (Wai 3382) claim, Annette Sykes, Sam Vincent and Scott Fletcher filed questions in writing for the Commission, alongside a bundle of relevant documents associated with their questions in writing (Wai 3325, #3.2.325(a) & #3.2.325(b)).
6. The Tribunal has received no other questions in writing for the Commission or Commissioner.

Final questions in writing for the Commission and the Commissioner

7. The panel has reviewed claimant coordinating counsel's and counsel for the Wai 3382 claim's proposed questions in writing for the Commission.
8. We maintain the view that information sought from the Commission and the Commissioner should be guided by the four high-level parent issues in the Tribunal Statement of Issues (Wai 3325, #1.4.3) for this inquiry, and to the extent that they assist this Tribunal in determining whether New Zealand's statutory framework for climate change ensures

Treaty compliance across the bodies responsible for administering, supporting or advocating for effective climate change policy and actions, and in maintaining the Crown-Māori relationship as provided for in the Treaty and the principles of the Treaty derived by the Tribunal and the courts.

9. The questions proposed by counsel for the Wai 3382 claim are helpful in determining counsel's key points of interest. However, the Tribunal considers that the salient points raised by counsel, and those most relevant to the nature and purpose of our inquiry, can be captured by the high-level questions posed by claimant coordinating counsel at [2] above. We think these questions could helpfully form the basis for the information this Tribunal may seek from both the Commission and the Commissioner to assist this inquiry.
10. We note that the Commission has agreed to provide evidence on a good-faith basis, and we consider that the high-level questions are in accord with that agreement. Parties should also note that the Commission has published responses and supporting information to Official Information Act requests on its website¹ and that the Tribunal does not wish to require the Commission to duplicate those answers.
11. I accordingly **attach** the Tribunal panel's final list of questions for the Commission and the Commissioner as **Appendix A**.
12. In addition to the questions in Appendix A, it would assist the Tribunal if the Commission or the Commissioner could provide any other information that may be considered useful in this inquiry.
13. The Commission and the Commissioner are to file their responses to the final list of questions and provide any other useful information by no later than **5 pm, Thursday 21 May 2026**.
14. Finally, I confirm that there will be no opportunity to cross-examine representatives from either the Commission or the Commissioner at hearing.
15. The Waitangi Tribunal's *Strategic Direction 2025-2035* sets the expectation that the Wai 3325 inquiry will be completed by 2027². I emphasise the need for parties to adhere to the hearing milestones in the remainder of this inquiry and to ensure that our limited hearing time is used in the most effective and targeted manner. The Tribunal is committed to maintaining the inquiry's momentum and does not wish to delay its reporting target, given that we are in our final hearing stages.
16. We thank the Commission and the Commissioner for their willingness to provide evidence to inform this inquiry.

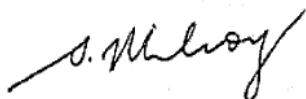
¹ He Pou a Rangī Climate Change Commission, [Official Information Act requests and responses](#).

² Te Rōpū Whakamana i Te Tiriti o Waitangi | Waitangi Tribunal, *Strategic Direction: 2025 – 2035 (2025)*, [Strategic Direction 2025–2035](#).

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3325, the Climate Change Priority Inquiry.

The Registrar is to send this direction to all those on the distribution list for Wai 3325, the Climate Change Priority Inquiry.

WHAKAPŪMAUTIA ki Kirikiriroa i te 5 o te Mei 2026



Kaiwhakawā Stephanie Milroy
Te Mana Whakahaere

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